

REMARKS

In the recent Office Action, the Examiner rejected Claims 1 - 3 and 5 - 7 under 35 U.S.C. §102. This rejection is addressed in the section that follows. Meanwhile, the only remaining claims, 4 and 8 were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Respectfully, the prior art does not disclose or suggest Applicant's invention as limited within the language of Claims 1 - 3 and 5 - 7. Accordingly, allowance of these claims is requested.

REJECTION UNDER 35 U.S.C §102

In the recent Office Action, Claims 1 - 3 and 5 - 7 were rejected under 35 U.S.C. §102 as being anticipated by *Onken et al.* (U.S. Patent No. 7,221,746). Respectfully, *Onken* does not disclose or suggest several limitations of independent Claims 1 and 5. Accordingly, the claims are not anticipated by *Onken* and it is requested that the rejection be withdrawn.

Applicant's invention is directed to a system for requesting service of a machine requiring periodic maintenance, such as a vending machine. Like many prior art systems, the alert system of Applicant's invention includes one or more sensors for detecting default conditions, such as a low quantity of cans of soda. Unlike prior art systems, Applicant's invention also includes a voice recorder for storing one or more voice messages corresponding to default conditions, a transmitter for transmitting the voice messages to the machine operator, and a trigger connected to the one or more sensors and the transmitter for initiating the transmission of the voice messages in accordance with predetermined conditions. The voice messages are transmitted over the public switched telephone network (PSTN) to be heard by the machine operator personally or to be stored on the machine operator's voice answering system. The transmitter may be a simple auto-dialer connected by traditional phone cords to a nearby phone jack.

Onken also discloses an alert system for alerting a machine operator that a machine needs servicing. Indeed, *Onken* discloses a relatively ingenious system for transmitting messages over a PSTN without requiring that a phone be answered so as to thereby avoid telephone charges.

The *Onken* alert system includes one or more sensing devices for detecting conditions of a machine such as the level of trash within a receptacle. As explained at the bottom of column 2 and top of column 3, the transmitter transmits and identifies the machine conditions by selectively calling one of several preprogrammed telephone numbers. Each telephone number matches up with the machine condition. The machine operator determines which machine requires servicing by simply looking at the caller ID. The caller ID identifies the phone being used to make the call which corresponds to the machine. The operator then can determine the machine condition by determining which phone has been called. For example, each of the preprogrammed telephone numbers to call corresponds with different machine conditions such as a first number identifying a first level of trash and a second number identifying a second level of trash. In this manner, telephone calls never need to be answered and telephone charges are not required. Notably, *Onken* does not suggest an alert system including a recorder storing one or more prerecorded voice messages, a transmitter for transmitting voice messages over a PSTN or a trigger for transmitting voice messages.

Independent Claims 1 and 5 of the present invention includes the limitations of a recorder storing one or more prerecorded voice messages, a transmitter for transmitting voice messages over the public switched telephone network, and a trigger for transmitting voice messages to a predetermined telephone number. These are three elements that are nowhere described in *Onken*. However, it is a fundamental axiom of patent law that for a prior art reference to anticipate a claim, each and every one of the claim limitations must be taught or suggested by the prior art.

In Re Royka, 490 F. 2d 981 (CCPA 1974). Accordingly, independent Claims 1 and 5 are patentable.

In the recent Office Action, the Examiner states that *Onken* describes a recorder for storing one or more prerecorded voice messages in column 7, lines 7-34. However, this portion of *Onken* describes the circuitry used for determining which of the preselected telephone numbers are to be called. There is no suggestion that this circuitry include a recorder, or a recorder storing one or more prerecorded voice messages. **In fact, *Onken* never refers to “voice” or “voice messages” throughout the entire reference.**

The Examiner contends that *Onken* describes a transmitter for transmitting voice messages over a public switched telephone network in column 8, lines 21-44. However, this section describes the base module which receives information concerning machine conditions and then transmits this information by selecting a telephone number to call. However, there is no suggestion that the base module includes a transmitter for transmitting voice messages.

The Examiner further argues that *Onken* describes a trigger for transmitting voice messages within column 7, lines 35-56. This paragraph also refers to the base module, which as described above, does not include any type of transmitter for transmitting voice messages and thus there can be no suggestion for it containing a trigger for transmitting voice messages.

In conclusion, *Onken* does not suggest several elements found in the only independent Claims 1 and 5. Thus, these claims are allowable. Meanwhile, Claims 2 - 4 and 6 - 8 are also believed allowable as depending from allowable Claims 1 and 5. Accordingly, it is requested that these claims also be allowed.

CONCLUSION

Claims 1 - 8 are in condition for allowance and notice thereof is respectfully requested. If there are any remaining issues that need to be resolved, it is requested that a telephone call be placed to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Duckworth". The signature is fluid and cursive, with the first name "David" being more prominent.

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